

The
Washington
State
Child Support
Enforcement
Program

**Child
Support
Hearing
Rights**

Q & A



Washington State
Department of
Social & Health
Services

Division of Child Support

What happens at a child support hearing?

A child support hearing is held by an independent decision maker called an Administrative Law Judge (ALJ). The ALJ works for the Office of Administrative Hearings (OAH), which is not a part of the Department of Social and Health Services (DSHS) or its Division of Child Support (DCS).

The ALJ will consider the facts and the law, and will then make a decision that will affect you. Administrative hearings are designed to be informal and “user-friendly,” so they are held in conference rooms, not in courtrooms. You will appear for the hearing in person or over the telephone. You will be given a chance to tell your side of the story, and so will DCS and the other parent. A typical hearing will take one or two hours.

Do I need an attorney?

Many people represent themselves at the hearing. You may represent yourself, or be represented at the hearing by an attorney, friend, relative, or other person of your choice. Ask friends or relatives to recommend an attorney, or contact your county’s bar association or referral services (usually listed at the end of the “attorney” section in the telephone book advertising section). Northwest Justice Project, Columbia Legal Services, the Northwest Women’s Law Center, some law schools, and other non-profit legal organizations may be able to provide assistance. For information on legal services in your area, call 1-888-201-1014 (toll free).

What can the DCS Representative do for me?

The DCS Representative is not your representative. However, the DCS Representative can explain the process of the hearing, and may also explain the general rules and policies for your hearing. If you want to avoid a hearing, you may be able to reach an agreement, or settle your case, with the DCS representative. All parties must agree before a case can settle.

How will I find out when my hearing will be?

OAH will mail you a Notice of Hearing that will give you the date, time and place of the hearing. Make sure that you keep OAH and DCS advised of your current mailing address.

How can I request a different date or time for my hearing?

If you cannot make it to your hearing at the scheduled date and time, you can ask for a continuance, (a delay). Contact OAH or DCS at least a week before the hearing day. The phone numbers for OAH and DCS will be on the Notice of Hearing. The other parties may disagree with your request for a continuance. If all parties do not agree, the ALJ will decide whether your hearing can be rescheduled.

What happens if I don't appear for the hearing?

If you do not show up for the scheduled hearing, it will affect your rights. The judge makes a decision based only on the facts and evidence presented at the hearing. If you do not appear, you will not be able to tell the judge what you think is important. You should call OAH or DCS if a last minute problem makes you miss the hearing.

Will I attend the hearing in person or by phone?

The Notice of Hearing will tell you where to go for your hearing. You may need to appear at a DCS office, an OAH office, or a Community Services Office (CSO). Sometimes the Notice of Hearing will tell you to appear by phone. If you want to change this, contact OAH or DCS as soon as possible. If you have a restraining order or fear the other party, you will not be required to appear in person together.

Hearings by Telephone Conference Call

You, the judge, DCS, witnesses, or one or more of the other people involved in the hearing may participate by telephone. At least one day before your hearing, make sure you know whether you should go to a particular place, or if you should wait for a phone call. If DCS or the judge is calling you, be sure that DCS and the judge have your correct phone number and make sure your phone is free so that they do not get a busy signal when they try to call you.

If you are appearing by phone, you should send or fax copies of all of your evidence to the judge and to every other party at least one week ahead of time. The DCS representative may be able to help you with this.

How do I prepare for the hearing?

You should write out some notes and bring them with you to help you organize your presentation and remember everything you want to say.

You can discuss your case with the DCS representative before the date of the hearing. This will allow you to find out exactly what the issues are. You should also use this time to decide if you want to consult an attorney.

Can I try to settle my case without a hearing?

Contact DCS if you would like to try to reach an agreement before the hearing. If you cannot reach an agreement, you still have the right to a hearing. The DCS representative's address and phone number are located on the bottom of the Notice of Hearing. If you wish to contact DCS before you receive the Notice of Hearing, call 1-800-442-KIDS to find out which DCS office handles your case.

Do I need to bring anything to the hearing?

The judge's decision will be based only on information and statements that you and other witnesses, including DCS, provide. If you have papers you want the judge to see, be sure to send or bring them to DCS before your hearing. You may bring witnesses or their signed, sworn, and dated statements. All other parties have the right to see your proof, and to know who your witnesses are before the hearing. When you come to the hearing, bring the packet of exhibits (the papers, including the notices) mailed to you by DCS. Bring any other documents you feel will support you.

Copies of any documents you submit will be sent to all other parties to the hearing. **Delete your address and any other information you do not want released to other parties.**

What kinds of proof should I bring to the hearing?

- Copies of your tax returns for the last two years
- Completed child support worksheets (your side only)
- Court orders affecting your child support
- Papers showing:
 - How much money you make (such as pay stubs, benefit statements, or disability checks)
 - Your medical costs
 - Medical insurance costs paid to cover the children
 - Receipts for daycare, healthcare or other expenses paid for the children
- Proof of any support paid
- Proof of any special circumstances or payments that you want the judge to consider
- Any other proof you want the judge to consider

In a child support hearing, you have the following rights:

- You can be represented by anyone, such as an attorney, friend or relative. However, you do not have a right to free legal help.
- You can present evidence and can object to evidence presented by anyone else.
- You can ask the ALJ for a continuance (delay) of the hearing, if you have a good reason.
- You can see and obtain copies of records related to your case before, during, or after the hearing.
- You can obtain photocopies of DCS records important to the hearing free of charge if you cannot afford to pay for them.
- You can ask the DCS representative for the evidence DCS intends to use before the hearing.
- You can ask the judge to let you send in more evidence after the hearing.
- You can ask witnesses questions, object to witnesses, and present evidence to show that the testimony of any witness is not true.
- You can bring witnesses and/or ask the judge to make witnesses take part in the hearing. You may also ask the judge to have witnesses send or bring necessary papers to the hearing. DCS has the right to present its own witnesses and to question yours.
- You can ask the judge to order witnesses to wait outside the hearing room. This can help protect privacy or keep one witness from influencing another.
- You can see and obtain copies of policies, rules, guidelines, and other DCS publications related to your hearing.
- You can ask that a telephone hearing be changed to an “in-person” hearing, if you have a good reason. An “in-person” hearing means that you will be in the same room as the judge during the hearing.

How will the judge decide?

The judge will set or change child support under the Washington State Child Support schedule, chapter 26.19 RCW, if your hearing is to establish or modify a child support amount. If there is an existing order from a Superior Court, the judge will have to follow its directions. The judge will NOT make a decision at the hearing. You will receive a written decision in the mail.

You may want to look up the rules that generally apply to child support hearings. They are most often found under Washington Administrative Code chapters 388-14A and 388-02. These laws and regulations will help you understand what the judge will consider to decide your case. You can find the law in any law library and in most public libraries. On the Internet, you can look up statutes (the Revised Code of Washington) at <http://mrsc.org/rcw.htm> and the Washington Administrative Code at <http://mrsc.org/wac.htm>.

What happens after the hearing?

About three weeks after the hearing, the judge will mail out a written order. The order will contain information about your appeal rights.

It is your responsibility to make sure that OAH has your correct mailing address. The order will be sent to the address on file with OAH, and will affect your rights even if you don't actually receive it.

What if I don't like the ALJ's decision?

If the ALJ issued a final order, you may petition for judicial review of the order in Superior Court.

What if I don't speak English well?

If you or a witness need a language translator or interpreter, you will be provided help free of charge. You should ask for an interpreter at least a week before the hearing. A friend or relative may not be your language interpreter unless approved in advance by the ALJ.

What if I need some kind of accommodation?

All DSHS, DCS and OAH offices are wheelchair accessible. If you or a witness need other special assistance (such as a sign language interpreter or alternate format materials) because of a disability, you will be provided help free of charge. Ask for this assistance at least a week before the hearing. (See following page).

If you have questions that are not answered by this pamphlet, you should:

1. Call the Division of Child Support;
2. Call the Office of Hearings; or
3. Contact an attorney.

Request for Translator/Interpreter/Special Assistance

The State provides free help if you or a witness need a translator or interpreter, or need help because of a disability. Fill out and mail this page to the Office of Administrative Hearings (see Notice of Hearing).



I need to receive documents in (language)

and/or need help from an interpreter.



I need special assistance (specify):

Name

Telephone

Case/IVD Number



Division of Child Support

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